

# HOUSE BILL No. 1844

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-24-6-3; IC 33-28; IC 33-37.

**Synopsis:** Jury duty. Provides that a person who appears for jury duty but is not selected has completed the person's jury duty at the end of the first day. Provides that a person is entitled to one automatic postponement of jury duty. Provides exemptions from jury duty for health reasons and for certain persons with caregiver responsibilities. Eliminates certain exemptions from jury duty. Creates the lengthy trial account to be funded by an \$8 filing and continuance fee in most civil cases. Provides that the account is administered by the division of state court administration. Provides that a person who serves in a trial lasting between four and ten days is entitled to \$100 per day for the fourth through tenth days and a person who serves on a jury for more than ten days is entitled to \$200 per day after the tenth day. Prohibits an employer from requiring an employee to use vacation or other leave for jury duty.

**Effective:** July 1, 2005.

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January 25, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1844

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-24-6-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The division of  
3 state court administration shall do the following:

4 (1) Examine the administrative and business methods and systems  
5 employed in the offices of the clerks of court and other offices  
6 related to and serving the courts and make recommendations for  
7 necessary improvement.

8 (2) Collect and compile statistical data and other information on  
9 the judicial work of the courts in Indiana. All justices of the  
10 supreme court, judges of the court of appeals, judges of all trial  
11 courts, and any city or town courts, whether having general or  
12 special jurisdiction, court clerks, court reporters, and other  
13 officers and employees of the courts shall, upon notice by the  
14 executive director and in compliance with procedures prescribed  
15 by the executive director, furnish the executive director the  
16 information as is requested concerning the nature and volume of  
17 judicial business. The information must include the following:



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- 1 (A) The volume, condition, and type of business conducted by  
 2 the courts.  
 3 (B) The methods of procedure in the courts.  
 4 (C) The work accomplished by the courts.  
 5 (D) The receipt and expenditure of public money by and for  
 6 the operation of the courts.  
 7 (E) The methods of disposition or termination of cases.  
 8 (3) Prepare and publish reports, not less than one (1) or more than  
 9 two (2) times per year, on the nature and volume of judicial work  
 10 performed by the courts as determined by the information  
 11 required in subdivision (2).  
 12 (4) Serve the judicial nominating commission and the judicial  
 13 qualifications commission in the performance by the commissions  
 14 of their statutory and constitutional functions.  
 15 (5) Administer the civil legal aid fund as required by IC 33-24-12.  
 16 (6) Administer the judicial technology and automation project  
 17 fund established by section 12 of this chapter.  
 18 **(7) Administer the lengthy trial account as required by**  
 19 **IC 33-37-12.**  
 20 (b) All forms to be used in gathering data must be approved by the  
 21 supreme court and shall be distributed to all judges and clerks before  
 22 the start of each period for which reports are required.  
 23 SECTION 2. IC 33-28-4-8 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) A person shall be  
 25 excused from acting as a juror if the person:  
 26 ~~(1) is at least sixty-five (65) years of age;~~  
 27 ~~(2) (1) is a member in active service of the armed forces of the~~  
 28 ~~United States;~~  
 29 ~~(3) (2) is an elected or appointed official of the executive,~~  
 30 ~~legislative, or judicial branches of government of~~  
 31 ~~(A) the United States~~  
 32 ~~(B) Indiana; or~~  
 33 ~~(C) a unit of local government;~~  
 34 who is actively engaged in the performance of the person's official  
 35 duties;  
 36 ~~(4) is a member of the general assembly who makes the request~~  
 37 ~~to be excused before being sworn as a juror;~~  
 38 ~~(5) is an honorary military staff officer appointed by the governor~~  
 39 ~~under IC 10-16-2-5;~~  
 40 ~~(6) (3) is an officer or enlisted person of the guard reserve forces~~  
 41 ~~authorized by the governor under IC 10-16-8 and is in active~~  
 42 ~~service;~~

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(7) is a veterinarian licensed under IC 15-5-1-1;  
 (8) is serving as a member of the board of school commissioners  
 of the city of Indianapolis under IC 20-3-11-2;  
 (9) is a dentist licensed under IC 25-14-1;  
 (10) is a member of a police or fire department or company under  
 IC 36-8-3 or IC 36-8-12; or  
 (11) (4) would serve as a juror during a criminal trial and the  
 person is:

(A) an employee of the department of correction whose duties  
 require contact with inmates confined in a department of  
 correction facility; or

(B) the spouse or child of a person described in clause (A); or

**(C) a member of a police department;**

and ~~desires requests~~ to be excused for that reason before being sworn  
 as a juror.

(b) Except as provided in subsection (c), a person scheduled to  
 appear for jury service has the right to postpone the date of the  
 person's initial appearance for jury service one (1) time. The court  
 shall grant a prospective juror's request for postponement if the  
 following conditions are met:

(1) The prospective juror has not previously been granted a  
 postponement.

(2) The prospective juror requests a postponement by  
 contacting the jury commissioner:

(A) by telephone;

(B) by electronic mail;

(C) in writing; or

(D) in person.

(3) The prospective juror selects another date on which the  
 prospective juror will appear for jury service that is:

(A) not more than six (6) months after the date upon which  
 the prospective juror was originally scheduled to appear;  
 and

(B) a date when the court will be in session.

(c) A request to postpone jury service after a request under  
 subsection (b) may be granted if the person:

(1) has an extreme emergency;

(2) has a death in the family;

(3) is ill;

(4) is having problems due to a natural disaster; or

(5) is having problems due to a national emergency.

(d) A person making a request to postpone jury service under

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subsection (c) shall contact the jury commissioner as described in subsection (b)(2) and shall select another date for jury service as described in subsection (b)(3).

(e) A court may excuse a prospective juror from jury service for up to one (1) year if the court finds one (1) of the following:

(1) Jury service would require the prospective juror to abandon another person who is under the personal care or supervision of the prospective juror, and it is impossible for the prospective juror to obtain an appropriate substitute caregiver for the time when the prospective juror is required to participate in the jury pool.

(2) Jury service would substantially interfere with the prospective juror's ability to pay for necessary daily living expenses (including the necessary daily living expenses of other persons for whom the prospective juror is the principal means of support).

(3) Jury service would cause the prospective juror to suffer physical hardship that would likely result in injury or disease. A prospective juror is not entitled to be excused from jury service solely because jury service would require the prospective juror to be absent from the prospective juror's place of employment.

(f) A court may excuse a prospective juror from jury service permanently if the court finds:

(1) jury service would cause the prospective juror to suffer physical hardship that would likely result in injury or disease; and

(2) the condition described in subdivision (1) is permanent.

(g) A prospective juror who applies to be excused from jury service under subsection (e) or (f) must:

(1) apply to be excused before the date the prospective juror is scheduled to appear for jury service, unless this is impossible; and

(2) provide the court with documentary and other evidence that supports the prospective juror's application to be excused.

For purposes of this subsection, documentary evidence may include an income tax return, a medical statement from a licensed physician, or proof of guardianship. The court shall deny a prospective juror's application to be excused from jury service if the prospective juror fails to supply satisfactory documentary evidence in support of the application.

~~(b)~~ (h) A prospective juror is disqualified to serve on a jury if any

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of the following conditions exist:

(1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.

(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.

(4) The person is under a sentence imposed for an offense.

(5) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(6) The person has had rights revoked by reason of a felony conviction and the rights have not been restored.

~~(c)~~ (i) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

~~(d)~~ (j) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

~~(e)~~ (k) The same petit jurors may be used in civil cases and in criminal cases.

~~(f)~~ (l) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

~~(g)~~ (m) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right to serve on a jury under this section and except as provided in subsections ~~(c)~~, (n), ~~(d)~~, (o), and ~~(f)~~, (r), a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may not possess a firearm:

(1) after the person is no longer under a sentence imposed for an offense; or

(2) after the person has had the person's rights restored following a conviction.

~~(h)~~ (n) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore

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the person's right to possess a firearm, the court shall consider the following factors:

- (1) Whether the person has been subject to:
  - (A) a protective order;
  - (B) a no contact order;
  - (C) a workplace violence restraining order; or
  - (D) any other court order that prohibits the person from possessing a firearm.
- (2) Whether the person has successfully completed a substance abuse program, if applicable.
- (3) Whether the person has successfully completed a parenting class, if applicable.
- (4) Whether the person still presents a threat to the victim of the crime.
- (5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection ~~(i)~~ (o) or whether the person has committed a subsequent offense.

~~(i)~~ (o) The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.

~~(j)~~ (p) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed.

~~(k)~~ (q) A person has not been convicted of a crime of domestic violence for purposes of subsection ~~(h)~~ (n) if the conviction has been expunged or if the person has been pardoned.

~~(l)~~ (r) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on post conviction review at the earlier of the following:

- (1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
- (2) Ninety (90) days after the final disposition of the appeal or the postconviction proceeding.

SECTION 3. IC 33-28-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.**

**(b) A person who:**

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(1) serves as a juror under this chapter; or  
 (2) completes one (1) day of jury selection but is not chosen to  
 serve as a juror;  
 may not be selected for another jury panel for at least one (1) year.

(c) The employer of a person who:

- (1) is summoned to serve as a juror; and
- (2) notifies the employer of the jury summons:
  - (A) within a reasonable period after receiving the jury summons; and
  - (B) before the person appears for jury duty;

may not subject the person to any adverse employment action as the result of the person's jury service.

(d) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

- (1) responding to a summons for jury duty;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) If:

- (1) a prospective juror works for an employer with five (5) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee already performing jury service. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a postponement under section 8(b) of this chapter.

SECTION 4. IC 33-28-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The supervising judge or the jury commissioner shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form or electronic data processing facsimile and on the alphabetical list of names drawn from the master list.

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(b) A person may not be automatically excused under this chapter. Upon request of a prospective juror, the supervising judge or jury commissioner shall determine on the basis of information provided on:

- (1) the juror qualification form;
- (2) correspondence from the prospective juror; or
- (3) an interview with the prospective juror;

whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

**(c) A person scheduled to appear for jury service has the right to postpone the date of the person's initial appearance for jury service one (1) time. The court shall grant a prospective juror's request for postponement if the following conditions are met:**

**(1) The prospective juror has not previously been granted a postponement.**

**(2) The prospective juror requests a postponement by contacting the jury commissioner:**

- (A) by telephone;**
- (B) by electronic mail;**
- (C) in writing; or**
- (D) in person.**

**(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:**

- (A) not more than six (6) months after the date upon which the prospective juror was originally scheduled to appear; and**
- (B) a date when the court will be in session.**

**(d) A request to postpone jury service after a request under subsection (c) may be granted if the person:**

- (1) has an extreme emergency;**
- (2) has a death in the family;**
- (3) is ill;**
- (4) is having problems due to a natural disaster; or**
- (5) is having problems due to a national emergency.**

**(e) A person making a request to postpone jury service under subsection (d) shall contact the jury commissioner as described in subsection (c)(2) and shall select another date for jury service as described in subsection (c)(3).**

**(f) A person who is not disqualified for jury service may be excused from jury service only upon a showing of:**

- (1) undue hardship;**
- (2) extreme inconvenience; or**

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(3) public necessity;  
until the time of the next drawing when the person is resummoned.  
Appropriate records must be maintained by the jury commissioner to  
facilitate resummoning.

~~(d)~~ (g) Requests for excuse, other than those accompanying the  
return of the qualification form, must be made by the prospective juror  
in writing to the jury commissioner not later than three (3) days before  
the date when the prospective juror has been summoned to appear.

SECTION 5. IC 33-28-5-23 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) A person who  
appears for service as a petit or grand juror serves until the conclusion  
of the first trial in which the juror is sworn, regardless of the length of  
the trial or the manner in which the trial is disposed. A person who  
appears for service but is not selected and sworn as a juror completes  
the person's service at the end of one (1) day.

(b) A person who:

(1) serves as a juror under this chapter; or

(2) completes one (1) day of jury selection but is not chosen to  
serve as a juror;

may not be selected for another jury panel ~~until all nonexempt persons  
on the master list have been called for jury duty.~~ for at least one (1)  
year.

(c) The employer of a person who:

(1) is summoned to serve as a juror; and

(2) notifies the employer of the jury summons:

(A) within a reasonable period after receiving the jury  
summons; and

(B) before the person appears for jury duty;

may not subject the person to any adverse employment action as  
the result of the person's jury service.

(d) An employee may not be required or requested to use annual  
leave, vacation leave, or sick leave for time spent:

(1) responding to a summons for jury duty;

(2) participating in the jury selection process; or

(3) serving on a jury.

This subsection does not require an employer to provide annual  
leave, vacation leave, or sick leave to an employee who is not  
otherwise entitled to these benefits.

(e) If:

(1) a prospective juror works for an employer with five (5) or  
fewer full-time employees (or their equivalent);

(2) another employee of the employer described in subdivision

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1 (1) is performing jury service; and

2 (3) the prospective juror or the employee performing jury  
3 service notifies the court that they both work for the same  
4 employer;

5 the court shall reschedule the prospective juror's jury service for  
6 a date that does not overlap with the jury service of the other  
7 employee. The rescheduling of jury service under this subsection  
8 does not affect the prospective juror's right to a postponement  
9 under section 18(c) of this chapter.

10 SECTION 6. IC 33-28-6-19 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. ~~A qualified~~  
12 ~~prospective juror is not~~ (a) **The following persons are** exempt from  
13 jury service: ~~except for the following:~~

14 (1) Members in active service of the armed forces of the United  
15 States who are actively engaged in the performance of their  
16 official duties.

17 (2) Elected or appointed officials of the executive, legislative, or  
18 judicial branches of government of the

19 ~~(A) United States~~

20 ~~(B) State of Indiana; or~~

21 ~~(C) counties affected by this chapter;~~

22 who are actively engaged in the performance of their official  
23 duties.

24 (3) A person who:

25 (A) would serve as a juror during a criminal trial; and

26 (B) is:

27 (i) an employee of the department of correction whose duties  
28 require contact with inmates confined in a department of  
29 correction facility; ~~or~~

30 (ii) the spouse or child of a person described in item (i); **or**

31 **(iii) is a member of a police department;**

32 and desires to be excused for that reason.

33 **(b) A person scheduled to appear for jury service has the right**  
34 **to postpone the date of the person's initial appearance for jury**  
35 **service one (1) time. The court shall grant a prospective juror's**  
36 **request for postponement if the following conditions are met:**

37 **(1) The prospective juror has not previously been granted a**  
38 **postponement.**

39 **(2) The prospective juror requests a postponement by**  
40 **contacting the jury commissioner:**

41 **(A) by telephone;**

42 **(B) by electronic mail;**

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- 1 (C) in writing; or  
 2 (D) in person.  
 3 (3) The prospective juror selects another date on which the  
 4 prospective juror will appear for jury service that is:  
 5 (A) not more than six (6) months after the date on which  
 6 the prospective juror was originally scheduled to appear;  
 7 and  
 8 (B) a date when the court will be in session.  
 9 (c) A request to postpone jury service after a request under  
 10 subsection (b) may be granted if the person:  
 11 (1) has an extreme emergency;  
 12 (2) has a death in the family;  
 13 (3) is ill;  
 14 (4) is having problems due to a natural disaster; or  
 15 (5) is having problems due to a national emergency.  
 16 (d) A person making a request to postpone jury service under  
 17 subsection (c) shall contact the jury commissioner as described in  
 18 subsection (b)(2) and shall select another date for jury service as  
 19 described in subsection (b)(3).  
 20 SECTION 7. IC 33-28-6-27 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 22 1, 2005]: Sec. 27. (a) A person who appears for service as a petit or  
 23 grand juror serves until the conclusion of the first trial in which  
 24 the juror is sworn, regardless of the length of the trial or the  
 25 manner in which the trial is disposed. A person who appears for  
 26 service but is not selected and sworn as a juror completes the  
 27 person's service at the end of one (1) day.  
 28 (b) A person who:  
 29 (1) serves as a juror under this chapter; or  
 30 (2) completes one (1) day of jury selection but is not chosen to  
 31 serve as a juror;  
 32 may not be selected for another jury panel for at least one (1) year.  
 33 (c) The employer of a person who:  
 34 (1) is summoned to serve as a juror; and  
 35 (2) notifies the employer of the jury summons:  
 36 (A) within a reasonable period after receiving the jury  
 37 summons; and  
 38 (B) before the person appears for jury duty;  
 39 may not subject the person to any adverse employment action as  
 40 the result of the person's jury service.  
 41 (d) An employee may not be required or requested to use annual  
 42 leave, vacation leave, or sick leave for time spent:

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- (1) responding to a summons for jury duty;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) If:

- (1) a prospective juror works for an employer with five (5) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the employee already performing jury service. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a postponement under section 19(b) of this chapter.

SECTION 8. IC 33-37-4-4, AS AMENDED BY P.L.85-2004, SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A judicial administration fee ~~under~~ (IC 33-37-5-21.2).

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~~(5) (6) A judicial insurance adjustment fee under (IC 33-37-5-25).~~

**(7) A lengthy trial fee (IC 33-37-5-26).**

SECTION 9. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26. (a) Except as provided in subsection (b), this section applies to all civil actions.**

**(b) This section does not apply to the following:**

**(1) An action involving a pro se litigant or brought in forma pauperis.**

**(2) An action brought in small claims.**

**(3) An action brought by or on behalf of the state or any political subdivision.**

**(4) An action involving dissolution of marriage, child support, or child custody.**

**(5) An action brought in probate.**

**(6) An action to determine disability or worker's compensation.**

**(7) An action involving recoupment of a government backed educational loan or mortgage.**

**(8) An action in which a party is not entitled to trial by jury.**

**(c) The clerk shall collect a lengthy trial fee of eight dollars (\$8):**

**(1) from the plaintiff when a complaint is:**

**(A) filed; or**

**(B) amended; and**

**(2) from a party in an action when a party files a motion for:**

**(A) a continuance; or**

**(B) an extension of time.**

**(d) The clerk shall forward the lengthy trial fee to the auditor of state under IC 33-37-7-2.**

SECTION 10. IC 33-37-7-2, AS AMENDED BY P.L.85-2004, SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:**

**(1) IC 33-37-4-1(a) (criminal costs fees).**

**(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).**

**(3) IC 33-37-4-3(a) (juvenile costs fees).**

**(4) IC 33-37-4-4(a) (civil costs fees).**

**(5) IC 33-37-4-6(a)(1) (small claims costs fees).**

**(6) IC 33-37-4-7(a) (probate costs fees).**

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(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%)

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of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(2) for deposit in the county general fund.

*(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-37-5-21.2.*

*~~(j)~~ (j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.*

*~~(j) This section applies after June 30, 2005.~~*

**(k) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the lengthy trial account established by IC 33-37-12-1 one hundred percent (100%) of the lengthy trial fee collected under IC 33-37-5-26.**

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SECTION 11. IC 33-37-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A juror of a circuit, superior, county, or probate court or a member of a grand jury is entitled to the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Payment at the rate of:

(A) fifteen dollars (\$15) for each day if the juror is in actual attendance in court until the jury and is not impaneled; and

(B) forty dollars (\$40) for each day the first three (3) court days the juror is in actual attendance after impaneling; and until the jury is discharged.

(C) one hundred dollars (\$100) for the fourth through tenth court days that the juror is in actual attendance after impaneling; and

(D) two hundred dollars (\$200) for the eleventh and subsequent court days that the juror is in actual attendance after impaneling and until the jury is discharged.

(b) A county fiscal body may adopt an ordinance to pay from county funds a supplemental fee in addition to the fees prescribed by subsection ~~(a)(2)~~: (a)(2)(A) and (a)(2)(B).

(c) The lengthy trial account under IC 33-37-12 funds juror payments under subsection (a)(2)(C) and (a)(2)(D).

~~(c)~~ (d) A juror of a city or town court is entitled to the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Fifteen dollars (\$15) per day while the juror is in actual attendance.

~~(d)~~ (e) A city or town fiscal body may adopt an ordinance to pay from city or town funds a supplemental fee in addition to the fee prescribed by subsection ~~(c)(2)~~: (d)(2).

~~(e)~~ (f) For purposes of this section, a prospective juror who is summoned for jury duty and who reports to the summoning court on the day specified in the summons is in actual attendance on that day.

SECTION 12. IC 33-37-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

#### Chapter 12. Lengthy Trial Account

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1        **Sec. 1. (a) The lengthy trial account is established within the**  
 2        **state general fund to compensate a person who serves as a juror in**  
 3        **a lengthy trial. The division of state court administration shall**  
 4        **administer the account.**

5        **(b) The expenses of administering the lengthy trial account shall**  
 6        **be paid from money in the account.**

7        **(c) The treasurer of state shall invest the money in the lengthy**  
 8        **trial account not currently needed to meet the obligations of the**  
 9        **account in the same manner as other public money may be**  
 10       **invested. Interest that accrues from these investments shall be**  
 11       **deposited in the account.**

12       **(d) Money in the lengthy trial account at the end of a state fiscal**  
 13       **year does not revert to the state general fund.**

14       **Sec. 2. (a) Except as provided in subsection (c), if a juror serves**  
 15       **on a petit or grand jury for at least four (4) court days, the juror**  
 16       **is entitled to one hundred dollars (\$100) per day for each court day**  
 17       **of jury service for the fourth through tenth court days of jury**  
 18       **service.**

19       **(b) Except as provided in subsection (c), if a juror serves on a**  
 20       **petit or grand jury for more than ten (10) court days, the juror is**  
 21       **entitled to two hundred dollars (\$200) per court day for the**  
 22       **eleventh court day and each subsequent court day of jury service.**

23       **(c) If the juror's employer is paying the juror wages during jury**  
 24       **service, payments to the juror under subsections (a) and (b) shall**  
 25       **be reduced by the amount of wages the juror receives. A juror is**  
 26       **not entitled to any payments under subsections (a) and (b) if the**  
 27       **wages paid to the juror are more than the payment amounts set**  
 28       **forth in subsections (a) and (b). A juror must submit verification**  
 29       **of the wages the juror's employer paid to the juror while on jury**  
 30       **service to the division of state court administration before the**  
 31       **juror receives a payment under subsection (a) or (b).**

32       **Sec. 3. (a) The division of state court administration shall adopt**  
 33       **guidelines and forms for the administration of the lengthy trial**  
 34       **account.**

35       **(b) The division of state court administration shall adopt**  
 36       **guidelines and forms for the payment of jury service in accordance**  
 37       **with this chapter. The guidelines must ensure that funds from the**  
 38       **lengthy trial account are distributed equitably and efficiently.**

39       **Sec. 4. Money in the lengthy trial account is continually**  
 40       **appropriated to the division of state court administration.**  
 41       **However, money may not be disbursed from the lengthy trial**  
 42       **account except in accordance with this chapter.**

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